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10/754,061	01/09/2004	Masahiro Hinami	27877.77	7687
54064 7590 03/20/2009 KABUSHIKI KAISHA SEGA C/O KEATING & BENNETT, LLP 1800 Alexander Bell Drive SUITE 200 Reston, VA 20191				
EXAMINER OMOTOSHO, EMMANUEL				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JKEATING@KBIPLAW.COM
uspto@kbiplaw.com

Office Action Summary

Application No.

10/754,061

Applicant(s)

HINAMI ET AL.

Examiner

EMMANUEL OMOTOSHO

Art Unit

3714

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-10 and 22-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-10 and 22-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Newly submitted claims 7-10 and 22-30 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: The originally claimed invention is directed to a first and second game proceeding means for controlling the same game objects. Newly submitted claims are directed to separating the said game objects into two distinct game objects, first game object being controlled by a the first game proceeding means while the second game object is controlled by the second game proceeding means.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, newly submitted claims 7-10 and 22-30 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Claims 7-10,22-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aoshima et al (US 6,241,524) and further in view of Iwamura et al. ("Iwamura") US Patent 6,388,684.

5. Regarding at least claim 7, Aoshima teaches, a game device for proceeding a game by placing objects related to the game in a three-dimensional virtual space and by controlling said objects, comprising:

- a. first game proceeding means for proceeding the game by controlling (Col 5:32- 52) said objects in first game field in said three-dimensional virtual space (Figures 5, 9 & Col 7:38-8:2);
- b. second game proceeding means for proceeding the game by controlling (Col 5:36-52 & Col 5:11-18) said objects in a second game field said three-dimensional virtual space (Figures 5, 9 & Col 7:38-8:2);
- c. a cursor in said game field (Figure 1 "cross hairs", Figure 9 Elm 80);
- d. cursor object forming means for forming a cursor object indicating a certain area of one of said first and second game fields as well as an area of the

other game field corresponding to the certain area (Figure 3, & Elm 500,510). In regards to applicant's argument that Elm 500,510 does not indicate an area, the exact of Elm 500,510 are the indicated area;

e. perspective transformation display means for forming screen picture by transforming the coordinates of each object in said first and second game fields existing within view of a viewpoint located in said three-dimensional virtual space (Figures 1,5,Col 7:62-8:5).

6. Regarding at least claim 22, Aoshima teaches, a game image processing method in a game device, wherein operation signals are collected from operating means operated by a player by using a CPU block's execution of an application software stored in memory, wherein on the basis of the operation signal, a process is conducted to proceed a game in a three-dimensional virtual space (Abstract & Figure 1) including at least first and second game fields that are stacked in layers (Figure 3 wherein field 66 is parallel to fields 76 and 78), drawing control information that forms game images, is outputted to a video block; wherein the video block conducts a drawing processing of game images on the basis of the drawing control information, and wherein the game images are outputted to displaying means (Figure 4), wherein said first and second game fields are divided into the first area and the second area such that each of the first area and the second area displays one unit of the objects, each of which is placed and moves in the first and second game fields; and wherein said application software includes a first game program that proceeds the game in the first game field and a

second game program that proceeds the game in the second game field (Figure 2, 9 demonstrate diverse player locations in a multi tier field), comprising:

- f. a step of, by the CPU block's execution of the application software controlling the position of a first object in accordance with the first game program, placing it in the relevant first area in the first game field, and thereby controlling the proceeding of the first game;
- g. a step of, by using the CPU blocks execution of the application software, controlling the position of a second object in accordance with the second game program, placing it in the relevant second area in the second game field, and thereby controlling the proceeding of the second game (equivalent to the individual player tanks as realized in figure 2 and 9);
- h. a step of displaying a cursor that points to one unit of the first area in the first game field (Figure 1 crosshair, Figure 9 crosshair Elm 80) on the basis of the operation signal, and choosing the first object placed in the first area (equivalent to targeting and/or firing at a target);
- i. a step of calculating the second area that corresponds to the chosen first area (interpreted as the graphic process that would result from a first unit looking from 66 to 76);
- j. a step of judging whether an event has occurred between the chosen first object and the second object placed in the second area that corresponds to the first area (Figure 10 and 11 understood encompass avatar-target interaction);

- k. a step of executing the event processing when it is judged that the event has occurred (figure 11); and
- l. a step of forming game images on the basis of the results of the event processing (figure 11 updating the display).

7. Regarding at least claim 23, Aoshima teaches a three-dimensional game including multiple players as taught in the rejection of claim 1 above. As both players are capable of controlling their avatars (tank) speed in game the claimed proceeding speeds or scrolling speeds may be determined by both players in a mutually exclusive fashion. Alternatively as presented one common three-dimensional world might be separated along an axis or by three-dimensional object (i.e. the players tank juxtapose to the remaining components in the 3-d world) and would also be understood to meet the claimed language.

8. Regarding at least claim 24, 25 Aoshima teaches various means of altering viewpoints including the use of a viewpoint change button (Col 8:13-17) and the use of sub-displays (Fig 9 & Col 8:21-27) for reducing one game field and displaying the reduced field in the picture of the remaining game field. Further dependent on the defined boundary between the first and second fields discussed in the rejection of claim 23 above, the view point may shift responsive to the mere movement of the players avatar (tank) and hence cursor (crosshair) during the play of the game. The limitation of

"controllable game objects" is met by any type of object control including computer controlled or opposing player controlled game objects.

9. Regarding at least claims 8 and 26, Aoshima teaches a game world in figure 3 including a bottom portion 66 and a top portions 76, 78. When player one is located on the top portion and player two is location on the bottom portion the game fields are understood to conform to the claim cursor object forming means wherein the top level is one game field and the lower portion is the other game field.

10. Regarding at least claims 9 and 27, Aoshima teaches the display realization of the three-dimensional world in figure 5, including the display of the game fields contained therein. When considered along with figures 1 and 8, the area immediately behind the players avatar (tank) is understood to represent a side face of the cursor object as so claimed. Player information is displayed on this side as shown in figure 8.

11. Regarding claims 28, Aoshima teaches the displaying of area maps and radars (Col 8:20-27). The display of such a device must change the color of an area in order to be appreciably recognized by the player and hence provides a change in the color of the first area as viewed by the player.

12. Regarding at least claim 29, Aoshima teaches the determination of game events based on player actions shown in figure 11-13. In particular the claim language reads

on a first tank shooting at a second and the determination by the game CPU to determine if a counter attack is warranted.

13. Regarding at least claim 10, Aoshima teaches the displaying and scaling of the game world dependent on the players position with in the world. As the display scales are set to reflect the distance between the player's avatar and the field they are scaled and drawn to visually reflect this distance (Figure 5 7 Col 7:62-8:02).

14. Regarding claim 30 in addition to the above stated, Aoshima teaches A game device comprising:

- m. a memory (29) for storing the application software;
- n. a CPU block having means for collecting operation signals from operating means operated by a player(16, 18), which executes the application software and thereby conducts the process to proceed the game in the three-dimensional virtual space (Figure 1))including at least the first and second game fields that are stacked in layers (Figure 3 wherein field.66 is parallel to fields 76 and 78),, and outputting drawing control information that forms game images;
- o. a video block for conducting drawing processing of the game images on the basis of the drawing control information and outputting the game images to displaying means (Figure 4), wherein said first and second game fields are divided in the first area and the second area that each display one unit of the

objects, each of which is placed and moves in the first and second game fields;
and

p. wherein said application software includes a first game program that proceeds the game in the first game field and a second game program that proceeds the game in the second game field (Figure 2, 9 demonstrate diverse player locations in a multi tier field), wherein said CPU block comprises:

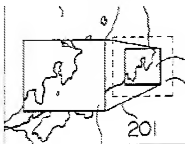
- i. means for controlling the position of the first object in accordance with the first game program, placing it in the relevant first area in the first game field, and thereby controlling the proceeding of the first game;
- ii. means for controlling the position of the second object in accordance with the second game program, placing it in the relevant second area in the second game field, and thereby controlling the proceeding of the second game (Figures 2,3,5,6 & Elm s12 Where in multiple fields where defined in the rejection of claim 22 above and the first and second objects may be two separate tanks);
- iii. means for displaying a cursor that points to one unit of the first area in the first game field on the basis of the operation signal, and for choosing the first object placed in the first area (Figures 1,2, and 5);
- iv. means for calculating the second area that corresponds to the chosen first area (Figures 3 & 5);

- v. means for judging whether an event has occurred between the chosen first object and the second object placed in the second area that corresponds to the first area (Figures 6-7);
- vi. means for executing the event processing when it is judged that the event has occurred (Figures 6-7); and
- vii. means for forming game images on the basis of the results of the event processing, and wherein all of said means are realized by the execution of the application software in the CPU block (Figure 4).

15. In regards to claims 7,22 and 30, although Aoshima teaches the use of cursor objects through the tank and cross hair elements as shown above, Aoshima fail to clearly teach the cursor object to be a three-dimensional object that extends over both of the first game field and the second game field wherein a grid is arranged on the first and second game fields, respectively, and the cursor object connects between a first area designated on the grid on the first, game field and a second area designated on the grid on the second, game field by extending over the first and second areas.

16. In a similar environment, Iwamura teaches the use of a 3D cursor object used to display computer image target (figs 1a-1c el. 26,25). Iwamura further teaches the cursor to be a three-dimensional object extending over a first field and a second field (figs 1a-1c el. 26,25, i.e. the target such as a location on the ground/map, and the field above the map/ground). Wherein a grid is arranged on the first and second fields respectively and the cursor object connects between a first area designated on the grid

on the first field and a second area designated on the grid on the second field by



extending over the first and second areas.

17. Therefore it would have been obvious to one of ordinary skill in the art to incorporate Iwamura's teachings of target display wherein the motivation is to provide a three-dimensional target identifying means that displays a target through a viewing window making it easier for the user to aim and shoot.

Response to Arguments

18. Applicant's arguments filed 5/17/07 have been considered but are moot in view of the new ground(s) of rejection.

Response to Arguments

19. Applicant's arguments filed 11/15/07 have been considered but are moot in view of the new ground(s) of rejection.

Response to Arguments

19. Applicant's arguments filed 4/23/08 have been fully considered but they are not persuasive.

20. On page 9, applicant argues, "First, Aoshima et al. fails to teach or suggest two game fields respectively proceeding a game. Cols. 5 and 7 and Figs. 5 and 9 of Aoshima et al., which the Examiner

alleged teach two game fields, merely teach performing the same game in the same game field. Fig. 3 of Aoshima et al. teaches a game field 60 having a plurality of platforms 66, 76, and 78, but all of these platforms form a single game field in which a single futuristic tank 500 is moved. Aoshima et al. fails to teach or suggest a first game field and a second game field."

21. The examiner respectfully disagrees. Aoshima as shown above uses a three dimensional game space formed using a world coordinate system (X_w , Y_w , Z_w). The sky (X_w , Y_w , Z_w) could be a first game field while the ground (X_w , Y_w , Z_0) could be a second game field.

22. On page 9, applicant argues, "Iwamura et al. teaches two map areas, however, one of the map areas is merely an enlarged image of the other map area (see, for example, the Abstract of Iwamura et al.). In other words, both images of the map areas are images of the same game field. Iwamura et al. neither teaches nor suggest first and second game fields."

23. The examiner respectfully disagrees. Iwamura as shown above is being relied upon for the teaching a three dimensional cursor that extends from one game field to the other. In the cited sections, one can see that Iwamura teaches a cursor that extends from a first region which is the region that the user controls (i.e. this region would be the X_w , Y_w , Z_w field in Aoshima) to a second region which is the target (i.e. this region would be the X_w , Y_w , Z_0 field in Aoshima).

Response to Arguments

20. Applicant's arguments filed 11/14/08 have been fully considered but they are not persuasive.

21. On pages 9-10, applicant argues, "First, contrary to the Examiner's allegations, at best, Iwamura et al. merely teaches a two-dimensional field, and clearly fails to teach or

suggest any three- dimensional virtual space. Thus, Iwamura et al. certainly cannot possibly teach or suggest a three-dimensional cursor object as recited in Applicant's Claim 7, and similarly in Applicant's Claims 22 and 30. As shown in Figs. 6-8 of Iwamura, locations within the maps are defined by only X and Y coordinates, and are clearly not defined by any Z coordinate"

22. Please see par 15-16 above.

23. On page 10, applicant argues, "Second, Aoshima et al. and Iwamura fail to teach or suggest anything at all about a grid, and certainly fail to teach or suggest the feature of "a grid is arranged on the first and second game fields, respectively, and the cursor object connects between a first area designated on the grid on the first game field and a second area designated on the grid on the second game field by extending over the first and second areas" as recited in Applicant's Claim 7, and similarly in Applicant's Claims 22 and 30."

24. The examiner respectfully disagrees. Aoshima and Iwamura are both digital systems that control virtual objects in a virtual environment. Each virtual object is drawn on a pixel based system, thus each virtual object has a specific coordinate in reference to the virtual environment. Thus, the foundation for any virtual environment is based on an (X,Y) coordinate system. You cannot have a coordinate system without the use of a grid.

25. On page 11, applicant argues, "Fourth, the Examiner alleged that the cross hairs shown in Fig. 1 of Aoshima et al. and element 80 shown in Fig. 8 of Aoshima et al. are cursors. However, the cross hairs in Fig. 1 of Aoshima et al. are merely a mark

designating one point in a game field and element 80 in Fig. 8 of Aoshima et al. is merely a message window 80 that is transparent and does not interfere with the game image (see col. 9, line 65 to col. 10, line 9 of Aoshima et al.). Thus, neither the cross hairs shown in fig. 1 of Aoshima et al. nor message window 80 shown in Fig. 8 of Aoshima et al. can be fairly construed as a cursor object as recited in Applicant's Claim 7, and similarly in Applicant's Claims 22 and 30. Thus, Aoshima et al. certainly fails to teach or suggest the features of "cursor object forming means for forming a cursor object indicating a certain area of one of said first and second game fields as well as an area of the other game field corresponding to the certain area" and "the cursor object is a three-dimensional object extending over both of the first game field and the second game field" as recited in Applicant's Claim 7, and similarly in Applicant's Claims 22 and 30."

26. The examiner respectfully disagrees. The examiner interprets the cross hairs in Aoshima as cursors since they indicate a certain area of one of said first and second game fields.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EMMANUEL OMOTOSHO whose telephone number is (571)272-3106. The examiner can normally be reached on m-f 10-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on (571) 272-4690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

EO

/Ronald Laneau/
Primary Examiner, Art Unit 3714
03/13/09